

UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

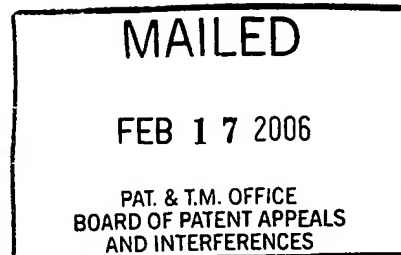
Ex parte MARK H. MILLER, BRUCE E. WIGTON,  
and KENNETH LONNGREN  
\_\_\_\_\_

Application No. 10/806,223  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences on January 24, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 9, 2005, the examiner has mailed an examiner's answer. In the Evidence Relied Upon section, page 3, paragraph (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references were applied to the statement of rejection in the Grounds of Rejection section,



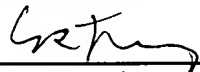
Application No. 10/806,223

paragraph (9), of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejection.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) vacate the examiner's answer and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section; and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
Craig R. Feinberg  
Program and Resource Administrator  
(571)272-9797

cc: Pillsbury Winthrop Shaw Pittman, LLP  
P.O. Box 10500  
McLean, VA 22102

CRF/tdl